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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,808	10/15/2001	Morihiko Hayashi	7217/65716	3558
7590	10/20/2005			EXAMINER
COOPER & DUNHAM LLP 1185 Avenue of the Americas New York, NY 10036			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/977,808	HAYASHI, MORIHIKO
	Examiner	Art Unit
	Jude J. Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5, 7-13, 15-18 and 20 is/are pending in the application.
  - 4a) Of the above claim(s) 6, 14 and 19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 7-13, 15-18 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## **DETAILED ACTION**

This Action is in regards to the Reply received on 07/22/2005.

### ***Response to Amendment***

1. This office action is responsive to communication filed on 10/15/2001. Claimed priority is granted from foreign application No: P2000-319278. Claims 1-5, 7-13, 15-18, and 20 remain in the application, with claims 1, 9, and 16 having been amended hereby and claims 6, 14, and 19 having been canceled, without prejudice or disclaimer.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, and 9 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method wherein a server can wirelessly control a number of client devices...and the sever can be set up with a scheduler that permits the user to set up a scheduling list...) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-5, 7-13, 15-18, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao et al (Liao), U.S. Patent No. 6,480,957 B1 in view of Lennie et al (Lennie), U.S. Patent No. 6,754,825 B1, in further view of Bateman et al (Bateman) U.S. Patent No. 5,884,032.

Regarding **claim 1**, Liao teaches the invention substantially as claimed. Liao discloses a method comprising: a wireless data transmitting and receiving system having a server device connected wirelessly to a plurality of client devices constituting a wireless network for transmitting and receiving data packets on a time division basis between said server device and said plurality of client devices over said wireless network (*fig. 1, item 100*)

wherein each of said client devices comprises:

first wireless communicating means for wirelessly transmitting and receiving data to and from said server device (*fig. 1, items 116, column 7, lines 1-12; column 8, lines 51-67*);

first identification data storing means for storing device identification data unique to each of the plurality of client devices connected wirelessly to said wireless network (*fig. 3, items 140-148; column 9, lines 31-67; column 10, lines 1-47*);

first packet evaluating means for evaluating the data packets received by said first wireless communicating means so as to extract from the received data packets only those data packets addressed to the respective client device based on said device identification data stored in said first identification data storing means (*column 9, lines 31-67; column 10, lines 1-47*);

first encryption key storing means for storing an encryption key shared only by the client devices connected to said wireless network, said encryption key being used to encrypt and decrypt [the] data communicated over said wireless network (*column 7, lines 22-32; column 8, lines 7-29*);

first decrypting means for decrypting encrypted data by use of said encryption key stored in said first encryption key storing means (*column 9, lines 1-30*);

operating means for inputting a command requesting said server device to transmit the data to be reproduced by said reproducing means (*column 7, lines 1-12*);

first encrypting means for encrypting control data to be transmitted to said server device by use of said encryption key stored in said encryption key storing means (*column 7, lines 1-12; column 8, lines 7-29*);

packet composing means for composing said control data encrypted by said first encrypting means into packets each furnished with said device first identification data stored in said identification data storing means and with receiving device identification

data designating said server device as the device to receive said control data (*column 7, lines 1-45*); and

first controlling means for controlling, based on said command for controlling said server device, said encrypting means, said packet composing means and said first wireless communicating means so as to cause said first wireless communicating means to transmit the data packets for controlling said server device by way of said first wireless communicating means (*column 7, lines 1-45*), and

wherein said server device comprises:

second wireless communicating means for wirelessly transmitting and receiving data packets to and from said client devices over said wireless network (*fig. 1, items 112-114; column 6, lines 25-67; column 7, lines 1-12*);

second identification data storing means for storing the device identification data unique to each of the client devices connected wirelessly to said wireless network (*fig. 3, items 140-148; column 7, lines 33-67; column 8, lines 1-59*);

second packet evaluating means for evaluating the data packets received by said second wireless communicating means so as to extract from the received packets only those packets addressed to the server device based on said device identification data stored in said second identification data storing means (*column 7, lines 33-67; column 8, lines 1-59*);

second identification data holding means for holding first device identification data for identifying the device that transmitted the extracted packets (*column 9, lines 31-67; column 10, lines 1-32*);

second encryption key storing means for storing said encryption key shared only by the client devices connected to said wireless network, said encryption key being used to encrypt and decrypt the data communicated over said wireless network (*column 9, lines 31-67; column 10, lines 1-32*);

second decrypting means for decrypting the encrypted control data transmitted in the data packets that were received and extracted, the decryption being done by use of said second encryption key stored in said encryption key storing means (*column 9, lines 1-30*);

packet composing means for composing the encrypted reproduction-destined data into packets each furnished with said device identification data stored in said second identification data storing means and with device identification data designating the wireless device receiving said encrypted reproduction-destined data (*column 7, lines 1-47*); and

second controlling means which, based on the control data extracted by said second packet evaluating means and decrypted by said second decrypting means, causes said inputting means to input the reproduction-destined data as designated by said control data; causes said second encrypting means to encrypt the reproduction-destined input data by use of said encryption key stored in said second encryption key storing means; causes said packet composing means to compose packets to be transmitted, each of the composed packets being constituted by the encrypted reproduction-destined data, by said second device identification data which are held in said second identification data holding means and

which identify the device having transmitted said control data, and by said device identification data which are held in said first identification data storing means and which identify the device transmitting said encrypted reproduction-destined data; and causes said wireless communicating means to transmit the composed packets over said wireless network (*column 7, lines 1-67*),

wherein said server device further comprises:

schedule inputting means for inputting a schedule list regarding reproduction-destined data to be input in future based on said control data from said client devices; preset table creating means for creating a preset table for presetting the reproduction-destined data to be input in future based on the input schedule list and on said control data from said client devices [see *Liao, column 7, lines 51-67; column 8, lines 1-67*]; and

time counting means for counting time, wherein said second controlling means of said server device causes the preset reproduction-destined data to be input selectively through said inputting means based on said preset table and on the time counted by said time counting means [see *Liao, column 11, lines 1-32*].

**However, Liao does not specifically disclose the details of:**

**a wireless network wherein each client device comprising:**

**reproducing means for reproducing the data decrypted by said  
decrypting means; and**

**a wireless network wherein a server device that comprises:**

**inputting means for inputting data destined for reproduction by said client devices;**

**compressing means for compressing the reproduction-destined input data;**

**second encrypting means for encrypting the compressed reproduction-destined data based on said encryption key stored in said second encryption key storing means;**

In the same field of endeavor, Lennie teaches a system that ("uses authentication at the client side performing a decrypting step to decrypt the buffer, yielding user identification data and profile code, and using the secret key that was used to encrypt the buffer [see Lennie, column 11, lines 1-10; fig. 6-7, items 100, 350, 321, 902, 907, 920-921, 906]. In addition Lennie discloses a system server that uses reconstructed user encryption key to decrypt encrypted portion of a query to produce request buffer and encrypted buffer [see Lennie, column 10, lines 59-67]. Further, Lennie teaches a compressed query generated by a laptop computing device and transmitted via a wireless data network to an authentication and authorization network server [see Lennie, column 10, lines 18-26].

In the same field of endeavor, Bateman further teaches "...Should agents not be available, messages may be sent back via the CGI interface 48 and HTTP server 46 to the customer with anticipated wait time (derived from the ACD-MIS system 38) and call setup and scheduling options may be presented to the

customer in conjunction with the multimedia message management system 50

[see Bateman, column 6, lines 30-60]

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Lennie's teachings of a wireless system server and client to provide reproduction and compression, and Bateman's teaching of setup and scheduler options in a server, with the teachings of Liao, for the purpose of "*providing a system for near instant access to services and data while simultaneously providing low cost of service by controlling airtime usage while using a reconstructed method to decrypt the buffer request...*" as stated by Lennie in lines 61-65 of column 2, and in lines 46-50 of column 3. Liao also provides motivation to combine by stating that his system provides a generic solution for secure lightweight transaction in wireless data networks in lines 65-67 of column 4.

Regarding independent **claims 9 and 16**, the limitations of the claims are taught within the figures disclosed in the combination Liao-Lennie (e.g., see exemplary independent claim 1). Independent claim 9 discusses the same wireless network server that was examined in claim 1 and similarly, independent claim 16 discusses a method related to the same. The same motivation that was utilized in the combination of claim 1, applies equally as well to claims 9 and 16 [see *Liao, column 4, lines 65-67; see Lennie, column 2, lines 61-65; column 3, lines 46-50*]. By this rationale **claims 9 and 16** are rejected.

Regarding **claim 2**, the combination Liao-Lennie teaches the wireless data transmitting and receiving system according to claim 1, wherein each said server device further comprises reproduction-destined data storing means for storing said reproduction-destined input data [see *Liao, column 7, lines 1-12; column 8, lines 7-29*]; and

wherein said second controlling means of said server device causes said reproduction-destined input data to be stored into said reproduction-destined data storing means based on said control data from the respective client device [see *Liao, column 7, lines 1-45*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 2 [see *Liao, column 4, lines 65-67; see Lennie, column 2, lines 61-65; column 3, lines 46-50*]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Liao-Lennie teaches the wireless data transmitting and receiving system according to claim 2, wherein said server device transmits said reproduction-destined data stored in said reproduction-destined data storing means to the respective client device based on said control data from said client device [see *Lennie, column 10, lines 51-67*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 3[see *Liao, column 4, lines 65-67; see Lennie, column 2, lines 61-65; column 3, lines 46-50*]. By this rationale **claim 3** is rejected.

Regarding **claim 4**, the combination Liao-Lennie teaches the wireless data transmitting and receiving system according to claim 2, wherein said reproduction-destined data stored in said reproduction-destined data storing means are

the data compressed by said compressing means [see *Lennie*, column 10, lines 18-67; column 11, lines 30-44]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claims 4 [see *Liao*, column 4, lines 65-67; see *Lennie*, column 2, lines 61-65; column 3, lines 46-50]. By this rationale **claim 4** is rejected.

Regarding **claim 5**, the combination *Liao-Lennie* teaches the wireless data transmitting and receiving system according to claim 1, wherein said server device has a plurality of inputting means; and wherein said second controlling means of said server device causes said reproduction-destined data to be input through said plurality of inputting means in a standby state based on said control data from said plurality of client devices [see *Lennie*, column 6, lines 66-67; column 7, lines 1-23; column 11, lines 30-44]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 5 [see *Liao*, column 4, lines 65-67; see *Lennie*, column 2, lines 61-65; column 3, lines 46-50]. By this rationale **claim 5** is rejected.

Regarding **claim 7**, the combination *Liao-Lennie* teaches the wireless data transmitting and receiving system according to claim 1, wherein the reproduction-destined data input through said inputting means of said server device include reproduction restriction information,

wherein said first controlling means of each of said client devices transmits to said server device user attributes input through said operating means of the respective client device, and wherein said second controlling means of said server device determines whether to transmit the reproduction-destined input data to each of said

client devices based on said user attributes sent from said client devices and on said reproduction restriction information included in said reproduction-destined data.

[see *Liao, column 7, lines 1-45; column 11, lines 61-67; column 12, lines 1-36*].

The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 7 [see *Liao, column 4, lines 65-67; see Lennie, column 2, lines 61-65; column 3, lines 46-50*]. By this rationale **claim 7** is rejected.

Regarding **claim 8**, the combination Liao-Lennie teaches the wireless data transmitting and receiving system according to claim 1, wherein one of the client devices outputs a reference signal that serves as a basis for counting time over said wireless network and remaining client devices transmit signals based on said reference signal. [see *Liao, column 11, lines 1-60*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 8 [see *Liao, column 4, lines 65-67; see Lennie, column 2, lines 61-65; column 3, lines 46-50*]. By this rationale **claim 8** is rejected.

Regarding **claims 10 and 17**, the combination Liao-Lennie teaches the limitations of the claims. **Claims 10 and 17** are substantially the same as **claim 2**, and are thus rejected for reasons similar to those in rejecting **claim 2**.

Regarding **claims 11 and 18**, the combination Liao-Lennie teaches the limitations of the claims. **Claims 11 and 18** are substantially the same as **claim 3**, and are thus rejected for reasons similar to those in rejecting **claim 3**.

Regarding **claim 12**, the combination Liao-Lennie teaches the limitations of the claims. **Claim 12** is substantially the same as **claim 4**, and is thus rejected for reasons

similar to those in rejecting **claim 4**.

Regarding **claim 13**, the combination Liao-Lennie teaches the limitations of the claims. **Claim 13 is** substantially the same as **claim 5**, and is thus rejected for reasons similar to those in rejecting **claim 5**.

Regarding **claim 14**, the combination Liao-Lennie teaches the limitations of the claims. **Claim 14 is** substantially the same as **claim 6**, and is thus rejected for reasons similar to those in rejecting **claim 6**.

Regarding **claim 15**, the combination Liao-Lennie teaches the limitations of the claims. **Claim 15 is** substantially the same as **claim 7**, and is thus rejected for reasons similar to those in rejecting **claim 7**.

Regarding **claim 19**, the combination Liao-Lennie teaches the limitations of the claims. **Claim 19 is** substantially the same as **claim 6**, and is thus rejected for reasons similar to those in rejecting **claim 6**.

Regarding **claim 20**, the combination Liao-Lennie teaches the limitations of the claims. **Claim 20 is** substantially the same as **claim 7**, and is thus rejected for reasons similar to those in rejecting **claim 7**.

#### ***Response to Arguments***

5. Applicant's Request for Reconsideration filed on 07/26/2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

The Liao patent in combination with Lennie the fails to disclose or suggest, a method wherein a server can wirelessly control a number of client devices...and the sever can be set up with a scheduler that permits the user to set up a scheduling list...with respect to **claims 1, and 9.**

6. It is the position of the Examiner that Liao in detail teaches the limitations of the above mentioned claims. However, in view of of applicant assertion this limitation is not taught by neither Liao nor Lennie, new prior reference is used to address this limitation in the claim. Applicant's arguments are deemed moot as explained above [see *Bateman, column 6, lines 30-67*].

### **Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG 

October 15, 2005



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100